IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

LA. App. No. 1075 of 2003

LAR.229/1999 of PRL.SUB COURT, KOTTAYAM
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENT/CLAIMANT:

SRI. K.R. SIVARAMAN, KUNNUMPURATH HOUSE, ARPOOKARA.

BY ADV. SRI. SEBASTIAN THOMAS

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

C.M. Appl. No. 579 OF 2003

IN

L.A. App. No. 1075 OF 2003

Dated this the 20th day of June, 2007.

O R D E R

Kurian Joseph, J.

This is a petition to condone the delay of 67 days in filing the appeal. It is seen that the land acquired is only 1.35 Ares, for the purpose of parallel Road to M.C. Road in Arpookara village. Section 4(1) notification is dated 17.09.1995. The Land Acquisition Officer fixed the land value at the rate of Rs. 44,460/- per Are. A further enhancement of Rs. 9,880/- per Are was given by the Reference Court.

2. It is seen from the judgment of the Reference Court that the enhancement was given based on the evidence available in the case including the report of the Commissioner. There was no evidence for the respondent. It is seen that the Reference Court noted the fact that the property is situated in an important area and there were important institutions also nearby. As reported by the Advocate Commissioner in the absence of any contra

evidence, the assessment of the market value by the Reference Court is just and proper. Therefore, we do not find any merit in this case and hence the application for condonation of delay is dismissed.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

L.A. App. No. 1075 OF 2003

Dated this the 20th day of June, 2007.

J U D G M E N T

Kurian Joseph, J.

In view of the order in C.M. Appl. No. 579 of 2003 in L.A. App. No. 1075 of 2003, this appeal is dismissed.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp